

AMENDED IN SENATE JUNE 23, 2004

AMENDED IN SENATE JUNE 16, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2657

Introduced by Assembly Member Nunez

February 20, 2004

An act to add Chapter 2 (commencing with Section 42100) to Part 3 of Division 30 of the Public Resources Code, relating to metal plating facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2657, as amended, Nunez. Metal plating facilities.

The California Integrated Waste Management Act of 1989 establishes a comprehensive program implemented by the California Integrated Waste Management Board and local agencies to reduce, recycle, and reuse solid waste in an efficient and cost effective manner.

This bill would require the California Environmental Protection Agency to establish and coordinate an Interagency Metal Plating Task Force, ~~and as specified.~~ *The bill would require the task force* to take specified actions with respect to the regulation of the metal plating industry, as prescribed. The bill would create the Chromium Multi-media Hazardous Waste Reduction Fund in the State Treasury, and would require that the money in the ~~account~~ *fund* be expended by the agency to support the task force's activities and to make loans to generators for environmental control equipment.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature hereby finds and declares all of the following:

(1) Metal plating facilities are establishments primarily engaged in all types of electroplating, plating, anodizing, coloring, and finishing of metals and formed products for the trade.

~~(2) Most metal platers are small businesses that provide support to other larger industries. Facilities conducting metal~~

(2) *Most metal platers are small, family owned businesses that are located in communities of color and tend to employ minority workers. This industry provides significant support to other larger industries in the state, particularly manufacturing industries. Facilities conducting metal plating activities include everything from small, low-volume operations like jewelry repair shops to high-volume production line applications. The automotive, electronics, machine equipment, and defense industry are the four largest industry segments served by metal platers.*

(3) The Department of Toxic Substances Control has identified approximately 875 metal plating facilities in the State of California, 67 percent of which are located in the five county Los Angeles area, the largest concentration of metal platers anywhere in the United States.

(4) There are also large numbers of metal platers in the San Francisco Bay area, San Diego, and the Central Valley regions of the state.

(5) The data indicates that 94 percent of the Legislature, 113 of the 120 members, have at least one metal plater in their district, and over one-third of the state's legislative districts house at least 10 facilities.

(6) There is not a complete inventory of facilities in the state including locations and proximity to sensitive receptors. Different regulatory agencies cite different numbers and there is no central database for locations or ~~violations~~ *compliance history*.

(7) The metal plating process ~~significantly impacts~~ *can significantly impact* the environment, including, air, water, and soil, in a very intensive manner. The chemical processes used in metal plating involve the use of various toxic materials, and generate significant amounts of solid and hazardous waste.

(8) Hexavalent chromium, a chemical compound intrinsic to the chrome plating process, is a known human carcinogen. It is also one of the most potent toxic air contaminants for which ~~there is no safe threshold exposure level. the safe threshold exposure level has not yet been established. The current recognized standard established by the Division of Occupational Safety and Health as a permissible exposure level is 0.1 milligrams per cubic meter.~~

(9) The metal plating industry is regulated by ~~a host of various~~ federal, state, and local agencies including the United States Environmental Protection Agency, the State Air Resources Board, the State Water Resources Control Board, the Department of Toxic Substances Control, California regional water quality control boards, regional air quality management districts, and Certified Unified Program Agencies (CUPAs), ~~and Publicly Owned Treatment Works (POTWs).~~

(10) The complexity of metal plating operations requires a coordinated regulatory and mitigation approach. Existing enforcement efforts are inadequate largely due to budgetary constraints and the lack of coordination between the various regulatory agencies.

~~(11) Within the last few months, the Los Angeles District Attorney charged four facilities in the Los Angeles area with environmental health and safety violations. Two of these facilities were located near elementary schools or day care centers.~~

~~(12) Throughout the state, metal plating facilities are located on land that has been zoned for those facilities; however, even when operating within compliance levels, the presence of those metal platers poses significant problems.~~

~~(13) Many metal plating facilities are located in communities of color and in close proximity to “sensitive receptors.” For example, three out of four schools in the Los Angeles area are located near metal plating facilities.~~

~~(14) At the same time, ongoing efforts of metal plating facilities to comply with environmental laws and regulations are challenged by the number, and in some cases the complexity or duplicative nature, of these requirements.~~

(11) In October 2003, the Los Angeles City Attorney created a Chrome Platers Initiative as part of its Environmental Protection Strike Force, to conduct multiagency inspections of chrome plating facilities and to identify violations. Through the efforts of

1 *this multagency task force, and within the last few months, the city*
2 *attorney has been able to increase enforcement of environmental*
3 *health and safety regulations at facilities in the Los Angeles area.*

4 (12) *Throughout the state, metal plating facilities are located*
5 *on land that has been zoned for those facilities; however, many*
6 *facilities are still located in close proximity to residences and*
7 *“sensitive receptors.” For example, there are several cases in the*
8 *Los Angeles area where schools are located within close proximity*
9 *of metal plating facilities. In these cases, there may still be*
10 *associated human health problems.*

11 (13) *The metal plating industry’s inability to access capital for*
12 *environmental improvements and investments has been identified*
13 *by the United States Environmental Protection Agency as one of*
14 *its biggest obstacles in meeting and exceeding current*
15 *environmental requirements.*

16 ~~(15) There is a need to educate the metal plating community on~~
17 ~~new~~

18 (14) *There is a need to provide training for the metal plating*
19 *community on new, cleaner technologies and better operating*
20 *practices, as well as changing regulations.*

21 (b) *The Legislature hereby further declares that it is in the best*
22 *interest of the people of California and the communities involved*
23 *to address the various environmental issues posed by the metal*
24 *plating industry while preserving its economic vitality.*
25 *Specifically, funds should be provided to support various*
26 *environmental compliance, technology procurement, pollution*
27 *prevention, and emission reduction measures.*

28 SEC. 2. Chapter 2 (commencing with Section 42100) is added
29 to Part 3 of Division 30 of the Public Resources Code, to read:

30
31 CHAPTER 2. METAL PLATING FACILITIES
32

33 42100. For purposes of this chapter, the following definitions
34 apply:

35 (a) “Agency” means the California Environmental Protection
36 Agency.

37 (b) “Generator” means a borrower pursuant to this chapter or
38 a party that produces hazardous waste and applies for financial
39 assistance pursuant to this chapter to reduce hazardous waste as
40 generated.

1 (c) “Metal plating facility” means an establishment primarily
2 engaged in all types of electroplating, plating, anodizing, coloring,
3 and finishing of metals and formed products for the trade.

4 (d) “Pollution prevention” means the same as source reduction
5 as defined by subdivision (e) of Section 25244.14 of the Health
6 and Safety Code.

7 (e) “Sensitive receptor” means ~~residences,~~ schools
8 (kindergarten to grade 12, inclusive), licensed day care centers,
9 hospitals, and convalescent homes.

10 ~~42101. The agency shall establish and coordinate an~~
11 ~~interagency Metal Plating Task Force. The task force shall do all~~
12 ~~of the following:~~

13 *42101. (a) The agency shall establish and coordinate an*
14 *interagency Metal Plating Task Force. The task force shall build*
15 *upon the leadership efforts of the existing Los Angeles Chrome*
16 *Platers Initiative and Environmental Protection Strike Force.*

17 *(b) The task force shall include representatives from various*
18 *governmental agencies, including, but not limited to, the State Air*
19 *Resources Board, State Water Resources Control Board,*
20 *Department of Toxic Substances Control, California regional*
21 *water quality control boards, local air quality management*
22 *districts, local Certified Unified Program Agencies (CUPAs), Los*
23 *Angeles City Attorney’s Office and Environmental Protection*
24 *Strike Force, Los Angeles City Council, and various other local*
25 *government representatives, as appropriate.*

26 *(c) In implementing this section and Section 42102, the task*
27 *force shall, to the maximum extent possible, work in a*
28 *collaborative manner with metal plating facilities and*
29 *associations, and other interested parties, including*
30 *environmental and community groups.*

31 *42102. The Metal Plating Task Force shall do all of the*
32 *following:*

33 *(a) Complete an inventory of metal plating facilities, to include*
34 *information on the location of a facility, years in operation, and*
35 ~~*any violations of compliance history with environmental laws and*~~
36 ~~*regulations governing those facilities.*~~

37 ~~*(b) Increase*~~ *Facilitate efforts of state and local agencies to*
38 *increase inspection and enforcement of metal plating facilities and*
39 *to improve coordination among regulatory agencies.*

(c) ~~Establish a~~ (1) *Establish a pilot loan program for facilities subject to the new South Coast Air Quality Management District Rule 1469, which regulates hexavalent chromium emissions, to purchase high performance environmental control technologies.*

(2) *In establishing the pilot loan program pursuant to paragraph (1), leverage existing funding mechanisms, including the Treasurer's California Air Pollution Control Financing Authority, the Business, Transportation and Housing Agency's financial development corporations' loan guarantee programs, and the South Coast Air Quality Management District's small business assistance loan program.*

(d) Establish a grant program for the development of new environmental control and pollution prevention technologies.

(e) Develop a protocol for onsite audits of facility compliance and pollution prevention activities.

(f) Work with industry associations to develop training programs.

(g) Coordinate with interested parties, including environmental and community groups.

~~(h) Adopt buffer zone regulations, prohibiting the future siting of new chrome plating facilities within the vicinity of sensitive~~

(h) *Recommend appropriate buffer zone regulations for adoption by local government entities, to restrict the future siting of new chrome plating facilities within the vicinity of residences or sensitive receptors.*

~~(i) Recommend a long-term approach for the metal plating industry, including assessment of various fees and mechanisms for~~

(i) *Recommend options for a long-term approach to address the various environmental issues posed by the metal plating industry, while preserving its economic vitality, including, but not limited to, opportunities for relocation of facilities, closure mitigation strategies, assessment of various fees, and mechanisms for financial assurance.*

(j) Report to the Legislature, not later than January 1, 2006, on its progress.

42103. (a) There is hereby created in the State Treasury the Chromium Multi-media Hazardous Waste Reduction Fund, for the sole purpose of receiving deposits of state, federal, or local government money, and other public or private money for expenditure by the agency for the purposes of this chapter.

1 (b) The money in the Chromium Multi-media Hazardous
2 Waste Reduction Fund shall be expended by the agency to support
3 task force activities and to make loans to generators for
4 environmental control equipment.

5 42104. (a) The agency shall, before a loan commitment is
6 issued, approve the project to be funded.

7 (b) The agency shall publicize and promote the availability of
8 loan assistance pursuant to this section.

